

## Summary

The cycling and walking investment strategy 2, and the questions in this call for evidence, primarily concerns targets for cycling and walking, schemes that contribute to meeting those targets, funding to pay for those schemes and institutional capacity to deliver them. The schemes in question, from segregated cycling lanes, crossing upgrades and low traffic neighbourhoods to Bikeability training and storage hangars are all important areas for discussion and can have meaningful impacts on decisions to whether to cycle or walk compared to alternatives. This note will not address them, however. Instead, it shall draw attention to more fundamental and substantial ways government distorts behaviour away from walking and cycling in favour of driving motor vehicles.

Addressing the way driving is 'baked in' by government to decisions people take should form at least as large a part of the agenda to encourage cycling and walking. Only one of the items need incur any significant expenditure and it is included because it is not typically considered a walking or cycling measure; with that exception they are all either regulatory items or tax distortions.

In various aspects of transport planning, town and country land use planning, local authority services, taxation policy and the enforcement of existing law and licensing, different arms of government distort individuals' decision making on whether to use an active travel mode or not. These effects can be categorised as those which lengthen journeys, those which subsidise motorised transport, those which degrade the quality of the active travel experience and those which entrench 'car culture' by misaligning external driving costs with prices.

The sixteen ways arms of government discourage walking and cycling are:

- building height and massing restrictions in the planning system,
- stamp duty land tax,
- traffic light laws (the absence of 'Idaho stops'),
- 'no entry' signs applying to cyclists by default rather than by exception,
- slow pelican crossing reactions,
- e-scooter prohibition,
- subsidised parking permits for residents,
- parking provision at government services,
- council carpark businesses,
- public transport provision,
- exclusion of cycle hire from public transport travelcards,
- lenient sentences and driving bans for dangerous and careless drivers,
- the lack of 'pedestrian priority' signs and the presence of cycling prohibitions on park paths and by rivers and canals,
- the lack of road pricing and
- vehicle excise duty.

They are all explained on the following pages. The purpose of this note is to illustrate the pervasive extent that cycling and walking are discouraged by government policy across a range of often seemingly unrelated policy areas and which require minimal expenditure to resolve.

## Lengthening journeys

Department for Transport analysis for CWIS2 shows a strong correlation between urban density and walking trips for travel<sup>1</sup>. The only other factor as strong was the closely-related percentage of homes comprising flats, maisonettes and apartments. A 100 per cent rise in either of these measures is associated with a 79 per cent increase in travel using walking. That's not surprising: a shop or workplace will be within walking distance of more people if local density is higher. The converse is also usually true: homes in higher density areas will be more likely to be within reasonable walking distance from conveniences and workplaces.

A similar but weaker picture emerges from research into cycling. That also makes intuitive sense. Because reasonable cycling distances are longer than reasonable walking distances, a greater number of people are already within reasonable cycling distances from amenities and workplaces at lower densities than is the case for walking. At some densities, walking is impractical and cycling practical, so some decisions not to walk could be distorted in favour of cycling, explaining why the link is weaker for cycling than it is for walking.

### Land use planning

Government interventions significantly distort land use development away from higher density. Given that this is the strongest co-efficient for walking, interventions in property markets which constrain densities also work to discourage walking and cycling and encourage driving. All local authorities' 'local plans' and predecessor documents (such as 'unitary development plans' and 'local development frameworks') include a range of policies which have the effect of constraining density. Largely, they either limit the height of new buildings, restrict upward or basement extension of existing buildings or restrict the proportion of a plot which can be utilised, such as by prohibiting or restricting front and side extensions. These are usually justified by suggesting that the existing form of development in an area should not be dominated by taller or bulkier new development, which instead should 'fit in' with neighbouring properties, as well as concerns about the impact on daylight and sunlight, and local public-sector services like schools, transport and GPs.

Arguably, the most powerful single measure to increase walking and cycling levels would be planning reform which allows developers (including home owners extending their own properties and local authorities) to offer greater density development than they otherwise would under the existing system.

### Stamp duty land tax

Stamp duty land tax is a tax levied on the purchase of property and is normally charged at 2, 5, 10 and 12 per cent above thresholds at £125,000, £250,000, £925,000 and £1.5 million. The chancellor removed the duty under £500,000 as a coronavirus measure but that threshold is being reduced to £250,000 in July and will be returned entirely to the pre-pandemic system in October. A well-known problem with stamp duty is that it acts as a barrier to people moving to take up work opportunities, in some cases weakening labour markets and in others merely lengthening commutes. Someone might take a new job further from home because the additional commute is offset by more attractive other aspects of the job, such as a higher salary.

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<sup>1</sup> (see table 3 in technical appendix 7)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/846376/appendix\\_7\\_Factors\\_affecting\\_walking\\_and\\_cycling\\_levels\\_and\\_model\\_scaling\\_factors.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/846376/appendix_7_Factors_affecting_walking_and_cycling_levels_and_model_scaling_factors.pdf)

Some of those employees, however, might move nearer to their new workplaces but are discouraged from doing so because as well as the other costs of moving they also have to pay a penalty in the form of a stamp duty liability. By causing commutes to be longer than they otherwise would, that in turn gives stamp duty the effect of distorting against walking and cycling and in favour of other modes of travel.

### **Traffic lights and 'Idaho stops'**

Most road design since the widespread adoption of motor vehicles has been implemented with scant or perfunctory attention to the needs of cyclists. Beyond reducing journey times and increasing capacity for motorists, the priority has been to reduce the danger posed by motor vehicles and cyclists have been assumed to need to adhere to all rules in the same way as any other carriageway user. This approach, however, inconveniences cyclists for no or negligible safety benefit and often actively increases danger at junctions. Due to the dimensions of motor vehicles and the position of the driver it can be impractical except at very slow speeds for multiple drivers to use a junction in conflict at once.

This is almost never a problem for cyclists, whose eyes are much closer to the front of their vehicles. But junctions are where a highly disproportionate share of cyclists have been killed by motorists, sometimes due to a motor vehicle approaching from behind not having seen the cyclist waiting for a green light. The sense of frustration of some drivers at having been waiting for a red light also leads to frequent aggressive and dangerous accelerations past cyclists when lights go green. A cyclist who rides through a red light on a pedestrian phase when no pedestrians are present is reducing his risk of death or injury.

Because the law was first changed in Idaho to reflect this, requiring cyclists to treat stop signs and red lights as an instruction to yield or stop has become known as the 'Idaho stop', but it has been copied by Arkansas, Oklahoma and Colorado as well as in France and the Netherlands. Doing so improves safety and reduces cycling journey times, making cycling more appealing. An amendment to road traffic acts and an update of the Highway Code is all that is required.

### **Pelican crossing timings**

Instead of reacting immediately to pedestrian requests at pelican crossings, most traffic lights wait before pedestrians permission to cross the road. Able-bodied adult pedestrians frequently cross anyway after pressing the button when they see a gap in the traffic and the lights subsequently turn red for vehicles on the carriageway after they have already crossed. This means that the delay in responsiveness often lengthens pedestrians' journeys while providing no net benefit to drivers. The drivers who pass the crossing immediately after the button was pressed are saved a red light but those passing through later, when the red light does show, are interrupted instead, and they see an empty crossing holding them up.

Those who are less confident crossing a road in a traffic gap, such as the elderly, children and disabled people, however, have to wait for the full delay to pass. The average wait time for pedestrians in Manchester is 87 seconds, recently reduced from 106.<sup>2</sup> Having to wait a minute and a half at every crossing can substantially lengthen journey times for pedestrians, discouraging walking, including walking stages of trips to bus stops and railway stations.

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<sup>2</sup> <https://www.dailymail.co.uk/news/article-8356163/Waiting-times-pedestrian-crossings-HALVED-lockdown.html>

## **Cycle contraflows**

Another example of road designers having no regard for cyclists is one-way streets. Almost all one-way streets are wider than the narrowest one-way streets which allow an exception for cyclists, which illustrates that almost all are pointless bureaucracy from the perspective of a cyclist. They are there primarily because some urban streets are not suitable for motor vehicles so can only accommodate one-way operation. And yet despite it not being relevant to them, cyclists get caught up in that, risking a fine if they take a shortcut. The effect, for cyclists who wish to obey bad law, is longer journeys.

Slowly, councils are gradually inserting exceptions one at a time, which requires adding supplementary 'except cyclists' signs under 'no entry' signs (and painting on an arguable unnecessary narrow contraflow cycle lane, which often merely leads straight into an existing space earmarked for storing motor vehicles). While not ideal, it does illustrate that they do not need to be perfect to be useful. Rather than wait for decades for local highway authorities to correct the mistakes individually with a traffic order, signage and low-consequence road markings, the process could be accelerated rapidly by updating road traffic acts and the Highway Code so that no entry signs do not apply to cyclists unless accompanied by a supplementary 'including cyclists'.

## **E-scooters**

Despite successful introduction in cities throughout the west and common use in Britain, using a private e-scooter remains illegal on British carriageways and cycleways because archaic laws designed to deal with safety issues with cars fail to accommodate them. Rental scheme trials are sensible, especially to deal with concerns specific to rental dockless schemes. But these could be dealt with by ensuring local authorities provide adequate parking places for rental e-scooters (on the carriageway). E-scooters provide an attractive alternative to cars, motorbikes and buses for some journeys which reduce the marginal benefit of car and motorbike ownership. Their legality should be aligned to match e-bikes.

## **Subsidising motor transport**

Local authorities and government services subsidise motor transport choices in a variety of ways, distorting individuals' choices away from cycling and walking and towards motorised transportation.

### **Residents' parking permits**

Most local authorities provide residents with cheap access to store private vehicles on the side of carriageways. In many areas, this is relatively trivial in value if measured by the local land values of nearby residential property. However, in the most expensive areas, the value of these subsidies can be very high. I estimated the 2017 value land used in London of on-street at approximately £48 billion by applying MHCLG estimates of residential land value to estimates of on-street parking. Almost £7 billion of that total was in Kensington and Chelsea, which offers residents an annual permit for just £21 for zero emissions vehicles rising up to £186 depending on the emissions rating, plus a £79 surcharge for second and subsequent permits from the same household. These fees provided the council with revenues of £22.4 million for on-street parking and just £6.1 million for residents' parking in 2019-20, despite the capital value of almost £7 billion.

Another London council with high land values gives away 10 free visitors' permits for residents who buy an annual permit (in one-hour CPZs). These bargains serve to distort choices in favour of driving and, consequently, against walking and cycling. In addition to the impact on active travel, the money

turned down by councils offering subsidised prices could have been used to reduce council tax bills or spend more on higher-priority local services.

### **Parking provision at government services**

Hospital parking charges recently became controversial and NHS England has suggested concessions for various groups including staff working outside public transport operating hours, disabled people, those attending frequent outpatient appointments and relatives and carers of gravely ill or extended-stay patients. Regardless of whether these most sympathetic of cases are justifiable, like all concessions they also necessarily constitute a subsidy which distorts in favour of driving and against alternative modes, including walking and cycling. Less sympathetic cases may be found across the public sector where motor vehicle parking is provided for free or at a discount to staff or service users who drive.

Public sector organisations should at least be required to explicitly state who is entitled to this subsidised service and what public benefit justifies that for each group.

### **Planning requirements for parking**

Some local planning authorities have policies requiring minimum off-street parking provision for new developments. Such policies compel driving and non-driving households to purchase a storage space for a vehicle irrespective of whether they want to and so, in effect, 'subsidise' motor vehicle use by a 'tax' imposed on buying residential property. These policies also often apply to commercial developments, exerting a similar effect on people's interactions with businesses. These rules prevent businesses from using land more efficiently to cater to customers arriving on foot or bicycle (or public transport). In effect, by removing the ability of businesses to segregate, the laws force all customers, including cyclist and pedestrian customers, to bear the economic burden of the land for parking spaces for motorists.

### **Carpark businesses**

Some local authorities operate off-street parking businesses. These are retained and operated typically for the benefit of businesses in a town centre, sometimes to help them compete against out-of-town supermarkets. For political reasons, some offer drivers free parking for short stays. While some of the effect will be to distort choices away from driving to an out-of-town centre in favour of driving into a town centre, some of the decisions they distort will inevitably be those to walk or cycle to a town centre amenity. This could be directly, of course, but it could also be because the land used for the vehicle parking might otherwise be developed into homes, raising the density in a centre and thereby making more walking and cycling trips viable.

The problem could be solved by requiring local authorities to divest carpark businesses so that new owners could run them commercially if the demand is sufficiently strong or change their use if something else offers a greater return for the investors.

### **Public transport**

Driving is not alone in being subsidised, of course. The department for transport provides substantial subsidies to bus, ferry and rail operators. Such subsidies distort choice towards the subsidised modes and away from others, including cycling and walking. This is arguably the most justifiable item, partly because the carbon emissions increases from switching away from walking and cycling are dominated by reductions from switching away from driving, and partly because the impact on

physical activity may be similar due to walking to and from stations. Nonetheless, the distortion exists regardless of whether it is acceptable for other reasons or not.

### **Travelcard exclusion of Cycle Hire**

It is notable that Transport for London travelcards entitle bearers to unlimited use of bus, tube, Tram, DLR, TfL Rail, Overground and National Rail services but not Cycle Hire. This exclusion distorts choices away from Cycle Hire and towards the other modes.

## **Degrading active travel experience**

Branches of government degrade the walking and cycling experience through a variety of policies and practices outside the scope of cycling and walking programmes.

### **Dangerous and careless drivers**

A significant factor discouraging people from cycling is the danger posed by drivers of motor vehicles. The National Travel Attitudes Survey in 2019 revealed that 68 per cent of drivers and 70 per cent of non-cyclists agree with the statement “it’s too dangerous to cycle on the road”, including 71 per cent of women and 73 per cent of over 65s. Among all adults, 66 per cent agreed “it’s too dangerous for me” to cycle on roads. And yet courts routinely only pause for a matter of months or a few years the licences to drive of those found guilty of causing death or serious injury by driving carelessly or dangerously.

A driver recently received a suspended sentence and will be licenced to drive again in just three years after crashing into a jogger while driving at 63mph on a 30mph, while being intoxicated with cocaine. The victim spent 12 weeks in hospital, three of which in a coma, suffering a fractured skull, traumatic brain injury and a broken ankle.<sup>3</sup> Similar stories with similarly light custodial sentences and brief driving licence pauses are a daily feature of British news reporting. A licencing points system is supposed to give second, third and fourth chances to drivers caught breaking safety laws. But a recent report showed that 8,237 drivers in England have 12 or more points, the threshold for losing a licence. One of these drivers has an astonishing 68 points.<sup>4</sup>

This happens because courts can take into account whether a pausing a licence would cause the driver exceptional hardship.<sup>5</sup> Causing exceptional hardship would not stop a dangerously bad doctor from having a licence withdrawn, nor a gun licence from a gun owner. Why is dangerous or careless driving treated differently?

The consequence of treating disastrous drivers with such astonishing leniency is that drivers who the courts have found to break safety laws are returned to driving on the roads, often without even a short pause. That in turn sends a message that offences such as speeding, intoxicated driving and disregarding road signs and signals is not so serious as to warrant removal of a licence, even when it results in hospitalisation or death of an innocent third party. Bad driving is normalised as a result and copied by those people who copy the most opportunistic standards they see in other drivers. Is it any wonder that most of the public believe the steel cage and airbags protection of a car is needed to safely travel on British roads?

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<sup>3</sup> <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/clare-cassidy-gatley-stockport-court-20842172>

<sup>4</sup> <https://www.thisismoney.co.uk/money/cars/article-9685045/There-46-motorists-UK-roads-30-POINTS.html>

<sup>5</sup> <https://www.ashmansolicitors.com/articles/exceptional-hardship-avoid-driving-ban/>

## **Road surface quality**

Potholes are the bane of motorists' lives but they can be lethal for cyclists, not to mention making cycling feel less appealing. Although an expenditure item, pothole repair is not usually considered a cycling item so it has been included in this list. Restoring road surface quality to a high standard would primarily benefit motorists but it would also improve the cycling experience and reduce significant safety risks, too.

Similarly, poorly maintained footways pose a deterrent to walking but this expenditure usually is attributed for pedestrian benefit.

## **Pavement parking**

Parking on pavements is illegal but commonplace in London whereas outside London it is widespread and, subject to some dispute, probably legal and certainly treated as if it is. Pavement parking worsens the pedestrian experience by narrowing footway, introduces collision risks when vehicles mount or leave footways and damages footway surfaces, making walking less pleasant and more dangerous. For most people without mobility issues, the effect is normally just an irritatingly bumpy surface to walk over and vehicles to walk around when they cause an obstruction. For those with prams, in wheelchairs or just less steady on their feet, however, pavement parking is a much more serious problem that can entail people having to find dropped kerbs to negotiate another route, through traffic on the carriageway, around the obstructing vehicle.

## **Encroachment over footways by private property**

Private property is frequently stored on footways. Frequently, this consists of private bicycles or motorcycles chained to railings or lampposts, boots or bonnets of motor vehicles protruding from private driveways, overgrown vegetation overhanging from a boundary fence and dockless rental e-scooters and e-bikes. These can cause problems for pedestrians and reduce the comfort level of a pedestrian trip. The problems for pedestrians arising from bicycles and dockless rental e-bikes and e-scooters may be cancelled out by the benefits to walking and cycling that such behaviour provides in the lack of adequate parking places. But encroaching vegetation and motor vehicles are clearly a net negative for cycling and walking.

Local authorities have the power to issue notices ordering occupants to prune overhanging vegetation within 14 days and may carry out the work themselves if it is not done and the notice has not been appealed at a magistrate's court, with the occupant liable for the costs incurred. Clearly this power has not proved sufficient to end the problem. An amendment to legislation could allow local authorities to designate certain highways and public footpaths as 'no overhang zones' (typically urban streets which do not have a grass verge between a pavement and the boundary to a property and footpaths and bridleways narrower than perhaps 3 metres). In these zones a council would then have the power to issue a fixed penalty notice if vegetation grew to perhaps 15 centimetres beyond a fence or boundary in addition to a notice ordering the pruning back of the vegetation.

The problem of overhanging motor vehicle bonnets and boots could be reduced by requiring private driveways to have bollards (or gates) and requiring them to be up (or closed) when a motor vehicle is using the driveway. Local authorities could be empowered to issue fixed penalty notices for the failure to have a raised bollard or closed gate while a vehicle was on a driveway.

## **E-car charging equipment**

Section 162 of the Highways Act 1980 made it an offence to place “any rope, wire or other apparatus across a highway in such a manner as to be likely to cause danger to persons using the highway” unless one has “taken all necessary means to give adequate warning of the danger”. Electricity cables are appearing between electric vehicles stored at roadsides and residential properties, usually covered by a plastic ramp to reduce trip hazard. But while they reduce trip hazards they also make for a bumpier ride for those in wheelchairs (and children in pushchairs). This may not be a significant problem if one or two such cables cross the footway, but as electric vehicles become more common the problem could grow in scale and make a meaningful difference to the pleasantness of a walking trip, even for an able-bodied person. For a wheelchair user having to endure an unpleasant bump hundreds of times over while passing that number of electric vehicles on a trip of moderate length, it could prove decisively off-putting. Additionally, there is the perceived risk of electrocution because a third party may not be sure that a householder-implemented installation meets adequate safety standards.

Charging points for electric cars are being installed on public highways. Frequently, however, these are being installed on footways rather than carriageways, transferring the space and convenience of the use of that space from pedestrians to drivers. More street clutter for motorists placed in footways encourages driving and, by creating pinch points and obstacles, acts to discourage walking.

## **Parks, rivers and canals**

On many paths on parks and beside rivers and canals, cycling reduces the comfort of pedestrians. Cycling is also often prohibited on many such paths, and these prohibitions are widely ignored. Cyclists and pedestrians could both benefit, however, from the replacement of cycling prohibitions with clear notices of pedestrian priority. This would encourage law-abiding and considerate cyclists, who may currently be discouraged from using such paths to use them. Meanwhile it could also temper the behaviour of cyclists who disregard the existing prohibitions and who assume priority over pedestrians, especially on paths where cycling is not prohibited. Making it clear to pedestrians that they enjoy priority might also have the effect of reducing social tolerance for inconsiderate cycling, improving the experience for pedestrians.

## **Misaligning costs and prices**

Charging motorists annually for vehicle ownership while failing to charge for using busy roads at busy times distorts transport decisions towards driving and away from walking and cycling.

### **Road pricing**

Failing to charge motorists for using busy roads at busy times causes congestion and delay for those drivers who would be willing to pay a fee. A charge can be cheaper than time wasted sitting in traffic jams. Providing that charges are limited to the objective of ensuring traffic flows freely and congestion is eliminated and did not become a revenue-raising measure, road pricing could benefit all. Some motorists might switch their journeys to quieter times (or switch to other forms of transport) and enjoy lower costs as a result. Those remaining at the busy times would pay for the privilege but enjoy faster, delay-free, and less stressful journeys.

The journeys that drivers who switch to other forms of transport reflect the subsidy that failure to price road use for a congestion-elimination objective represents.

## **Vehicle excise duty**

Vehicle excise duty is a part-annual, part one-off purchase tax on motor vehicles based on emissions ratings with zero emissions vehicles subject to a nil liability. Nonetheless, it replaced and is widely known as 'road tax', which used to be a charge hypothecated for road maintenance. Consequently, those who pay it are often under the illusion that it represents their charge for use of roads and so entitles them to road use. The flip side of this entitlement can be a belief that those who do not pay 'road tax' have a reduced, or even no, moral entitlement to use road space. Vehicle excise duty, therefore, may be contributing to aggressive, hostile driving directed at cyclists and even pedestrians, and in doing so making cycling less pleasant and more dangerous. Abolishing vehicle excise duty could reduce levels of anger from some motorists towards cyclists and create safer, more enjoyable cycling experience. At the least, it would require them to think of a new rationale to justify dissatisfaction.

## **About the author**

Rory Meakin is a researcher contributing to this as a private citizen and in a personal capacity without any affiliation to any organisation.